



faUNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

FEB 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Hisae Shibuya et al.	:	
Application No. 10/672,010	:	DECISION ON PETITION
Filed: September 25, 2003	:	PURSUANT TO
Attorney Docket No.: 16869S-	:	37 C.F.R. § 1.137(B)
095400US	:	
Title: METHOD AND APPARATUS FOR	:	
ANALYZING DEFECT DATA AND A	:	
REVIEW SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)¹, filed October 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

March 6, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 7, 2007. A notice of abandonment was mailed on October 2, 2007.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required.

Petitioner has further indicated that the response was originally submitted on July 6, 2007 along with a one-month extension of time, however the documents were submitted containing application number 10/672,101 as an identifier. As such, the amendment was associated with application number 10/672,101.

The submission of July 6, 2007 will be removed from the electronic file associated with application number 10/672,101, and placed into the electronic file associated with the present application in due course. Similarly, the one-month extension of time fee that was submitted on July 6, 2007 will be associated with the electronic records that pertain to this application in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was submitted on July 6, 2007 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning the status of the application should be directed to the Technology Center

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.